

AMENDED NO. 74393
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUN 16 2006
Returned to applicant for correction JUL 13 2006
Corrected application filed JUL 27 2006
Map filed JUL 27 2006 under 74392

The applicant **Henry A. Filippini and Marian Filippini** as trustees of the **Hank & Marian Filippini Family Trust** dated **December 22, 2003** hereby makes application for permission to change the **Point of Diversion** and the **Place of Use** of a portion of water heretofore appropriated under **Permit No. 27089, Cert. 8723**

1. The source of water is **Underground**
2. The amount of water to be changed **2.295 cfs** **137.93 acre feet annually**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T.29N., R.43E., M.D.B.&M., at a point from which the Southwest corner of said Section 16, bears S 18°11'38" W, 4209.17 feet.**
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.29N., R.43E., M.D.B.&M., at a point from which the South $\frac{1}{4}$ corner of said Section 17, bears S 45°00'00" W, 141.40 feet.**
7. Proposed place of use **The NE $\frac{1}{4}$ of Section 17, T.29N., R.43E., M.D.B.&M. (68.695 acres)**
8. Existing place of use **SW $\frac{1}{4}$ SE $\frac{1}{4}$ and portions of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.29N., R.43E., M.D.B.&M. 68.965 acres irrigated, (28.965 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40.000 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, for a total of 68.965 acres to be removed from irrigation).**
9. Use will be from **January 1st to December 31st** of each year.
10. Use was permitted from **January 1st to December 31st** of each year.
11. Description of proposed works **Drilled well, pump motor and center pivot.**
12. Estimated cost of works **\$20,000.00**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: The tie for the existing Point of Diversion is taken from Permit No. 27089. The tie for the proposed Point of Diversion is taken from Permit No. 48899. 68.965 acres to be irrigated within the proposed Place of Use.

By Robert E. Morley, High Desert Engineering
s/Robert E. Morley
640 Idaho Street
Elko, NV 89801

Compared dr/gkl lt/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 27089, Certificate 8723 is issued subject to the terms and conditions imposed in said Permit 27089, Certificate 8723 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 74392 and 74393 shall not exceed 275.86 acre-feet annually for the irrigation of 68.965 acres within the proposed place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The issuance of Permits 74392 and 74393 will require any wells drilled under Permits 27088 and 27089 to be plugged in accordance with the Nevada Administrative Code, Chapter 534.420, "Regulations for Water Well and Related Drilling" within 60 days from the issuance of these permits. Failure to plug the well(s) will result in further administrative action by the State Engineer.

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The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.2950 cubic feet per second, or 137.93 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

January 8, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

January 8, 2010

Map in support of proof of beneficial use shall be filed on or before:

January 8, 2010

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 8th day of January, A.D. 2007

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____